

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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TIRONE BROWN, Plaintiff,	<b>REPORT &amp; RECOMMENDATION</b>
vs.	Case No: 2:07-CV-304 PGC
DEAN A. STUART, Defendant.	District Judge Paul G. Cassell
	Magistrate Judge David Nuffer

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On August 22, 2007, Plaintiff failed to appear for a scheduled court hearing. The court issued an order to show cause why the case should not be dismissed for failure to prosecute.<sup>1</sup> Plaintiff was required to file his response by September 28, 2007. To date, Plaintiff has failed to respond to the court's order, and the case is therefore subject to dismissal.

**RECOMMENDATION**

The magistrate judge recommends that the case be dismissed for failure to prosecute. Copies of this Report and Recommendation are being mailed to the parties, who are hereby notified that they have the right to object to the Report and Recommendation. The parties are further notified that they must file any objections to the Report and Recommendation with the

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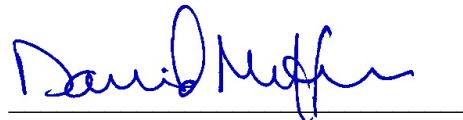
<sup>1</sup>Docket no. 15, filed September 7, 2007.

clerk of the district court, pursuant to 28 U.S.C. § 636(b), within ten (10) days after receiving it.

Failure to file objections may constitute a waiver of those objections on subsequent appellate review.

October 18, 2007.

BY THE COURT:



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David Nuffer  
U.S. Magistrate Judge